

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

22386 U.S. PTO  
10/663140  
09/16/03

Commissioner for Patents  
Mail Stop: Patent Application  
P.O. Box 1450  
Alexandria VA, 22313-1450

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): Christine HENRY and Laurence GRAINDORGE

For (title): ACTIVE IMPLANTABLE MEDICAL DEVICE OF THE  
DEFIBRILLATOR, CARDIOVERTOR AND/OR ANTITACHYCARDIA  
PACEMAKER TYPE, HAVING A HIGH MAXIMUM FREQUENCY FOR  
ANTIBRADYCARDIA STIMULATION

**1. Type of Application**

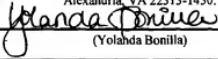
This new application is for a(n)

- Original (nonprovisional)
- Design
- Plant
- Divisional.
- Continuation.
- Continuation-in-part (C-I-P)

**CERTIFICATION UNDER 37 CFR 1.10**  
I hereby certify that this New Application Transmittal  
and the documents referred to as enclosed therein are  
being deposited with the United States Postal Service

on this date September 16, 2003 in an envelope as  
"Express Mail Post Office to Addressee" Mailing  
Label Number EV 322 648 206 US, addressed to the  
Commissioner for Patents, Mail Stop: Patent

Application, P.O. Box 1450  
Alexandria, VA 22313-1450.

  
(Yolanda Bonilla)

**2. Benefit of Prior U.S. Application(s) (35 U.S.C. 119(e), 120, or 121)**

This new application being transmitted claims the benefit of prior U.S. application(s). Enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

**2. Papers Enclosed That Are Required for Filing Date under 37 C.F.R. 1.53(b) (Regular) or 37 C.F.R. 1.153 (Design) Application**

13	Pages of Specification
4	Pages of claims
1	Pages of Abstract
0	Sheets of drawings

formal (1 sheet)  
 informal (1 sheet)  
 The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWINGS." 37 C.F.R. 1.84(b).

**3. Additional papers enclosed**

Preliminary Amendment  
 Information Disclosure Statement (37 C.F.R. 1.98)  
 Form PTO-1449 (PTO/SB/08A and 08B)  
 Citations  
 Declaration of Biological Deposit  
 Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.  
 Authorization of Attorney(s) to Accept and Follow Instructions from Representative  
 Special Comments  
 Other-

#### 4. Declaration or oath

Enclosed is an unexecuted original declaration/power of attorney

Executed by

inventor(s).

legal representative of inventor(s).  
37 C.F.R. 1.42 or 1.43.

joint inventor or person showing a proprietary interest on behalf of inventor who refused to sing or cannot be reached.

This is the petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is also attached. *See item 13 below for fee.*

Not Enclosed.

Application is made by a person authorized under 37 CFR 1.41(c) on behalf of *all* the above named inventor(s).

*(The declaration or oath, along with the surcharge required by 37 CFR 1.16(e) can be filed subsequently).*

Showing that the filing is authorized.  
*(not required unless called into question. 37 CFR 1.41(d))*

#### 5. Inventorship Statement

The inventorship for all the claims in this application are:

The same.

or

Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made.

is submitted.

will be submitted.

**6. Language**

English

Non-English

The attached translation is a verified translation. 37 C.F.R. 1.52(d).

**7. Assignment**

An assignment of the invention

is attached. A separate  "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or  FORM PTO 1595 is also attached.

will follow.

The prior application is assigned to \_\_\_\_\_, recorded at reel/frame numbers \_\_\_\_\_.

**8. Certified Copy**

Certified copy(ies) of application(s)

France	02- 11430	September 16, 2002
Country	Appln. no.	Filed

Country	Appln. no.	Filed
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Country	Appln. no.	Filed
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from which priority is claimed

is (are) attached.

will follow.

**9. Fee Calculation (37 C.F.R. 1.16)**

A.  Regular application

CLAIMS AS FILED				
Number filed	Number Extra	Rate	Basic Fee	
			37 C.F.R. 1.16(a)	\$750.00
Total Claims (37 CFR 1.16(c))	9 - 20 =	x \$ 18.00 =	\$	
Independent Claims (37 CFR 1.16(b))	1 - 3 =	x \$ 84.00 =	\$	
Multiple dependent claim(s), if any (37 CFR 1.16(d))		+ \$ 280.00 =	\$	

Amendment canceling extra claims is enclosed.

Amendment deleting multiple-dependencies is enclosed.

Fee for extra claims is not being paid at this time.

Filing Fee Calculation \$ 750.00

B.  Design application  
(\$330.00 - 37 CFR 1.16(f))

Filing Fee Calculation \$

C.  Plant application  
(\$530.00 - 37 CFR 1.16(g))

Filing Fee Calculation \$

**10. Small Entity Statement(s)**

Verified Statement(s) that this is a filing by a small entity under 37 CFR 1.9 and 1.27  is (are) attached.  will follow.

Status as a small entity was claimed in prior application  
/ \_\_\_\_\_, filed on \_\_\_\_\_, from which benefit  
is being claimed for this application under:  
35 U.S.C.  119(e),  
 120,  
 121,  
 365(c),  
and which status as a small entity is still proper and desired.

A copy of the verified statement in the prior application is included.  
Filing Fee Calculation (50% if A, B or C above) \$ \_\_\_\_\_

**11. Request for International -- Type Search (37 C.F.R. 1.104(d))**

*(complete, if applicable)*

Please prepare an international-type search report for this application at the  
time when national examination on the merits takes place.

**12. Fee Payment Being Made at This Time**

Not Enclosed

No filing fee is to be paid at this time.  
*(This and the surcharge required by 37 C.F.R. 1.16(e) can be paid subsequently.)*

Enclosed

<input type="checkbox"/> Basic filing fee	\$ _____
<input type="checkbox"/> Recording assignment (\$40.00; 37 C.F.R. 1.21(h)) (See attached "COVER SHEET FOR ASSIGNMENT ACCOMPANYING NEW APPLICATION".)	\$ _____
<input type="checkbox"/> Petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached (\$130.00; 37 C.F.R. 1.52(d) and 1.17(k))	\$ _____
<input type="checkbox"/> For processing an application with a specification in a non-English language (\$130.00; 37 C.F.R. 1.52(d) and 1.17(k))	\$ _____
<input type="checkbox"/> Processing an retention fee (\$130.00; 37 C.F.R. 1.53(d) and 1.21(l))	\$ _____
<input type="checkbox"/> Fee for international-type search report (\$40.00; 37 C.F.R. 1.21(e))	\$ _____
Total fees enclosed	\$ _____

**13. Method of Payment of Fees**

Check in the amount of \_\_\_\_\_

Charge Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_

A duplicate of this transmittal is attached.

**14. Authorization to Charge Additional Fees**

- The Commissioner is hereby authorized to charge the following additional fees required by this paper and during the entire pendency of this application to Account No. 15-0665.
  - 37 C.F.R. 1.16(a), (f) or (g) (filing fees)
  - 37 C.F.R. 1.16(b), (c) and (d) (presentation of extra claims)
  - 37 C.F.R. 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
  - 37 C.F.R. 1.17 (application processing fees)
  - 37 C.F.R. 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. 1.311(b))

**15. Instructions as to Overpayment**

- Credit Account No. 15-0665
- Refund



**SIGNATURE OF ATTORNEY**

Reg. No. 31,110

*(type or print name of attorney)*

Tel. No. (212) 506-5000

Robert M. Isackson, Esq  
ORRICK, HERRINGTON & SUTCLIFFE LLP  
666 Fifth Avenue  
New York, New York 10103-0001

**Incorporation by reference of added pages**

Plus Added Pages for New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed

Number of pages added \_\_\_\_\_

Plus Added Pages for Papers Referred to in Item 4 Above

Number of pages added \_\_\_\_\_

Plus "Assignment Cover Letter Accompanying New Application"

Number of pages added \_\_\_\_\_

**Statement Where No Further Pages Added**

This transmittal ends with this page.